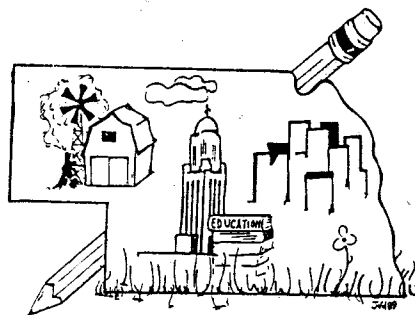


# The Nebraska Observer

Vol. 5, No. 8 August 2, 1990

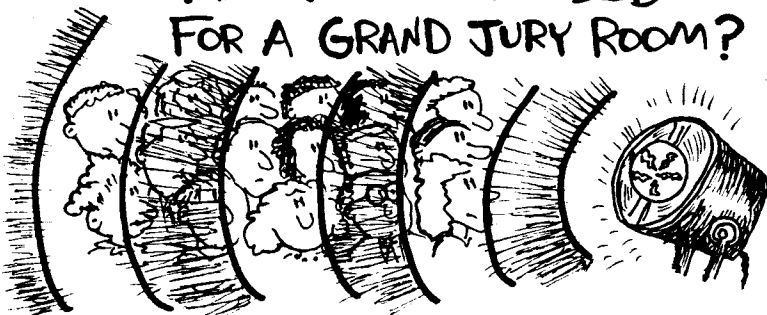


## Caradori Death, Grand Jury Report Reinforce Suspicions of Cover-up

On July 11, Investigator for the Legislature's Special Committee Gary Caradori and his eight-year-old son Andrew were killed when Caradori's private plane crashed in Illinois as they were returning from the All Stars game. Although causes of the crash are still being investigated, authorities, echoed by the World-Herald were quick to report that there was no reason to suspect sabotage. Senator Schmit of the Special Committee and others disagreed.

Less than two weeks later, the Douglas County grand jury completed its hearings and issued its report. The grand jury came to the conclusion that the allegations of a ring of highly placed individuals involved in sexual abuse of minors was a carefully crafted hoax, that Caradori's investigation was flawed, and that he had been duped by the flamboyant free-lance writer Michael Casey.

**Q** HOW MANY LIGHT BULBS ARE RECOMMENDED FOR A GRAND JURY ROOM?



**A** IT DOESN'T MATTER, THE SPECIAL PROSECUTOR WOULD ONLY ALLOW A STROBE LIGHT.

The grand jury not only ignored the evidence from investigations done by the National Credit Union Administration, but they even narrowed their consideration of the allegations of sexual exploitation of minors: the majority of their time was spent on the information from the videotapes Alisha Owen,

Troy Boner, Paul Bonacci, and Danny King. Their intention was from the beginning to "clear up rumors" rather than to find the truth.

With this goal, they found their own reasons to discredit the testimony of the four on tape--two now have recanted their stories--ignoring obvious connections with acknowledged abuse that happened to the three associated with the Webbs (Jarrett Webb, who was on the board of the Franklin Credit Union and was related by marriage to Larry King, was arrested in May for sexual abuse). These three were the witnesses interviewed by Caradori's predecessor Jerry Lowe.

Thus did the grand jury announce to Nebraskans that there was nothing to the rumors, that there was no ring of child sexual abuse, and, most importantly, that no one in high places was involved. Only one indictment was handed down for a sexual offense, to Alan Baer of Brandeis fortune, for pandering. In a move

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that stunned many, the grand jury indicted two of the victim-witnesses for perjury.

If the grand jury wanted to convince Nebraskans of a hoax, it did not accomplish its goal. It has in effect contributed to the continued skepticism by issuing a factually erroneous and logically flawed report. If a recent phone in survey done by KETV is any indication, those who are dissatisfied outnumber those who are satisfied with the report by eleven to one.

However, can we fault the members of the grand jury if they have concluded that the elephant looked like a snake because all they were shown was the trunk?

*we believed he would rely on his right against self-incrimination...we decided it would not be fruitful to attempt to require King to appear... Therefore, the Grand Jury requested King to appear voluntarily, but he declined to do so.)"*

The Grand Jury has made an assumption that King would take the Fifth Amendment.

Why? Maybe he would have talked. Even if he did take the Fifth, they should have had the opportunity to see and hear him.

**Alisha Owen**

*"Owen's motivation was to obtain a reduced prison sentence, or more*

## Lanphier Lists Flaws of Grand Jury Report

The author is a member of Concerned Parents. Following is a partial listing of points made in the recent county Grand Jury report and responses to them.  
by Trish Lanphier

**Lawrence E. King Jr.**

*"We found no credible evidence of child sexual abuse, interstate transportation of minors, drug trafficking or participation in a pornography ring by King or other Franklin officials and employees."*

The key word above is "credible." It apparently found evidence, but determined it was not credible. Is it the job of the Grand Jury to rule out any evidence based on their determination of credibility? According to Peter Vaira in "Making the Grand Jury Work," *Litigation*, Winter, 1990, "...the grand jury's function is to determine probable cause and

not to find guilt beyond a reasonable doubt..."

*"We also found probable cause to believe that King...committed the crime of pandering. ...our ultimate decision was that (it) would not be the best use of the resources of the Douglas County District Court, and again we have deferred to the federal prosecution."*

Again the Grand Jury acts outside its scope. The jurors did find probable cause, but chose to make an administrative decision about resources. Indictments should have been issued.

*"...Almost without exception, friends, acquaintances, and former employees maintained that King is without a doubt mentally capable of standing trial and assisting in his own defense.*

*"(Because King is presently in an institution out of the state...and because*

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# Don't Bet on the N-Generators Bearing Liability

*The author is an economist at UNL. What follows is an excerpt from a larger report that he prepared for the Nuckolls County Monitoring Committee. The report was released at the June 30 Compact Meeting. Copies are available from the Observer for \$1.*

*by F. Gregory Hayden*

The weakness of American Ecology's fiscal capacity to meet future public finance responsibilities, for example to be in a position to clean up after a major hazardous waste spill, has been demonstrated. Because of the industrial structure to which some of the generators belong, Nebraskans should not expect that they can require the waste generators to meet such responsibilities if American Ecology fails. The industrial structure surrounding a situation is very important in determining the likelihood of public finance requirements being met.

Some of the corporations which produce the radioactive waste to be stored in Nebraska are owned by the world's largest and most powerful multinational insurance and banking institutions. The resulting concentration of economic power surrounding these firms means it is highly unlikely that Nebraska will be in a position to require them to meet future unforeseen public finance contingencies.

A case in point can be demonstrated by inspecting the ownership of Arkansas Power and Light Co., Louisiana Power and Light Co., and New Orleans Public Service Inc. These are not separate corporations. The three are owned by Entergy which until recently went by the name of Middle South Utilities, Inc. The majority of Entergy's stock is owned by the large international banks, insurance companies, and production corporations, many of which share the same members on their Boards of Directors, own each others stocks and bonds, and own other companies in common. To use the economist's term, these corporations are highly interlocked at the decision making level through direct and indirect interlocks of Board members, officers, and finances.

A recent Securities and Exchange Com-

mission report lists the 187 main owners of Entergy stock. It includes the largest corporations in this country as well as large foreign corporations such as the Bank of Tokyo Ltd and Hongkong & Shanghai Banking. A partial list is provided here to demonstrate the immense separate economic power of these corporations.

*See Table below.*

As the asset numbers indicate any one of these corporations hold a formidable amount of economic power. By way of comparison we might compare them to FirstTier. FirstTier (which owns 9,736 shares of Entergy stock) is considered a large bank in Nebraska. However, its asset value, \$2.6 billion, pales in comparison to the corporations listed above. Beyond their individual economic power, these corporations have immense power to work their will because they are legally integrated for unified efforts through common owner-

ship, technology, finance, and Board member.

In addition to the 187 main investors, the Security and Exchange listed the three most significant stockholders in Entergy. It may be instructive to look at one of those, J.P. Morgan & Company, Inc. (JPM) which is headquartered in New York City. JPM is one of the world's largest global banks with assets of \$90 billion (owns 8,477,010 shares of Entergy) and receives the majority of its deposits from foreign depositors.

John Munkirs in his book *The Transformation of American Capitalism* demonstrated how the large multinational corporations are integrated. At the time he wrote, he determined that JPM had members of its Board of Directors on the Board of: General Electric Company, Mobile Oil, General Motors Corporation, Ford Motor Company, Goodyear Tire and Rubber, Armco, Inc., Aluminum

Company of America, Phelps Dodge Corporation, Kennecott Copper Corporation, General Foods Corporation, Proctor and Gamble Company, Merck and Company, DuPont, Union Carbide, American Broadcasting, Sears, CPC International, Ingersoll-Rand Company, Avon Products Inc., Owens-Corning Fiberglass, Cummins Engine Co., Prudential Insurance Co., Metropolitan Life, New York Life and Continental Corp. Some of these same corporations are stockholders in Entergy. Metropolitan Life is one of the top three stockholders in Entergy and Metropolitan Life shares members on their Board of Directors (both directly and indirectly) with JPM's Board of Directors.

Likewise JPM is a significant stockholder in all the companies in which they have Board members. JPM is also a significant stockholder in Citicorp, Manufacturers Hanover, Chemical Bank, Continental Illinois Corp, and First Chicago.

With all the connections linkages and interlocks of the large stockholders of Entergy, it strains logical credulity to expect Arkansas Power and Light, Louisiana Power and Light, and New Orleans Public Service, Inc. to be forced to fill any public finance void created by the failure of American Ecology. It would also be inconsistent with past economic studies which demonstrate the power of this group of interlocked Corporations to enhance and protect their own interests.

## Partial List of Entergy Owners

Corporation	Shared owned of Entergy Stock	Asset Value of the Corporation
Mellon Bank Corporation	3,719,829	\$31 billion
Shearson Lehman Hutton	1,033,836	55 billion
Bank of Boston Corp	555,356	40 billion
Travelers Corp	189,500	56 billion
Sears	175,400	87 billion
Chase Manhattan Corp	150,758	107 billion
First Chicago Corp	86,204	47 billion
Exxon Corporation	78,000	83 billion
Pain Webber, Inc.	25,091	22 billion
Bankamerica	21,400	98 billion

## Observer Deadlines

**The next issue of the Nebraska Observer will be published August 30. We must receive your story ideas by August 15. Copy is due August 23. Story ideas for the September 26 edition are due September 19. Copy is due September 21.**

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# Compact Meeting: Hardly the 'People's Hour'

*The following article is a point of view that the Observer feels was neglected by the mainstream media. The written accounts we read portrayed disruption and anger, but the reader was left feeling that the audience alone was being unreasonable.*  
by Isabel Cohen

It was hot and stuffy--over 100 degrees--in the jammed hallway outside the meeting room of the 1990 Central Interstate Low-Level Radioactive Waste Compact Commission Meeting at the Red Lion Inn on Monday, July 30 at 8 a.m. At least 300 people crowded together, seating and waiting, some for more than 1 hour, for the doors to open. It was not the best way to start the day. Tensions were high. Security personnel were out in force--uniformed and plainclothes--four at each of the six exits. I could smell fear. Marvelous atmosphere for a nuclear waste conference. Cool air struck as we found chairs. A table of blue sheets to sign for those who wished to speak, a privilege to be denied to certain ones. Ray Peery went through the sheets and picking the lucky ones with the audience watching. People left standing in the hall, the doors locked in their face. No more room. Too many people.

Dump opponents Lynn Moorer and Hugh Kaufman served the Compact Commissioners with subpoenas, demanding they appear on August 31, 1990 at the Red Lion Inn in the Wyoming Room at 8 a.m. and bring all pertinent material related to the development of the facility and its contractor, US Ecology. Oklahoma, a compact member, didn't even send a representative. What a start!

Compact Executive Director Ray Peer began calling people to speak--three minute limit, one hour total for all--right off the bat. After a few speakers, people wanted to cede their time to Lynn or Hugh. Compact Commissioner Norm Thorson made a rule--no ceding of time. The people began to react. Norm called a five minute recess. The commissioners filed out. Five minutes into the meeting and already a break. When they came back, Norm and Ray still would not allow Lynn to speak, but after a time, conceded she and Hugh could have their allotted three minutes after everyone else!

Some of the comments from the people of Boyd County: "Boyd County has a high incidence of cancer already--why bring us a waste dump?" from a young mother of four who has cancer. "US Ecology has lied to us all along. How can they compare the three sites when the Boyd County site evaluation was not finished on July 21 when I went out to the site?" "Why no mention of the wetlands?" "The liability issue must be addressed." "The bottom line is money." "is there any insurance for the waste site?" "Someday you will have to face the people." "Norm, how can you look me in the eye?" "This problem is unsolvable. It will not go away. We must find other sources of power." "Harry Borchard says we can eat the stuff."

"Nuclear waste cannot be corralled." "Bunch of bullshit for government!"

It was Lynn's turn to speak, with constant interruptions from Ray Peery. She said it had been more than a year since the Commission had met publicly with the people. She asked to meet with the big power companies directly instead of with this commission. All states must share the liability. "...Compact law has not been amended to guarantee that each member state...bears its proper share of the liabilities resulting from...attempts at remedial association with the nuclear and hazardous waste dumps. She accused them of a high dollar media blitz to create fake citizens' groups. "...The Compact is nothing more than a money-laundering operation for the waste generators whose waste is looking for a home and whose liabilities are looking for a patsy host state. Your choice of Nebraska is correct with respect to our liability laws, which are the weakest in the nation, thus making Nebraska taxpayers uniquely vulnerable..." They cut her mike off. Hugh relinquished his time to Lynn and she was allowed to continue. She said thousands of Nebraskans will not allow this to happen in their state. The Boyd County Monitoring Committee has not represented the people of Boyd County--they have been on the payroll of the Compact for over a year, she added.

"Because Nebraska joined the Compact in 1983 under the provisions of the 1980 Federal Low-Level Waste Policy Act, as did the other four states, and the 1980 federal law was repealed in 1985 as a part of the amendment act, Nebraska is not a member of this compact or any other radioactive waste compact. This means Nebraska is not the host state for your waste. We want neither your waste nor your liability. Thousands of Nebraskans have this message for you and your waste generators: GO HOME!"

Norm Thorson talked about BRC (Below Regulatory Concern), followed by Ray Peery saying he would not respond to most of the questions asked by the people. "There is no turning back," he said, "Boyd County is the site." The land has been purchased and in 15 months, the license application will be reviewed by the appropriate agencies. The Commission passed some bylaws and went through some other business. Peery said they denied entry into our Compact of Washington, D.C., Massachusetts, and New York.

Kansas entered a liability resolution where all states will share in any liability costs as a result of locating the waste site in Boyd County. The resolution was adopted. (Nebraska's Legislature failed to enact legislation that would put the responsibility for a leaking dumpsite on the developers and generators this last session because the bill never got priority and was lost behind the lengthy floor debate on the abortion bills.) Thorson said he will appoint a Commissioners' subcommittee to draft a compact policy on BRC. He favors a policy that wouldn't allow BRC

waste in landfills without approval of state regulators. They called an Executive Session (no public allowed) to discuss the lawsuit filed against them and other matters. It was 11:15 a.m. Early lunch.

At 12:30 p.m., the hall outside the meeting room was again stifling and filled with people waiting to get back in. During the break, there was a scuffle and two people, a man and a woman, were arrested and taken to jail. Dorothy Lanphier left and went to bail them out. They were held for nearly two hours and the people in attendance collected money to bail them out. At 1 p.m., Rich Paton of US Ecology treated us to an overview of its license application, which was submitted July 27, for about an hour. "It is difficult to cover 4,000 pages in the time allotted," he said. He gave us some pretty general highlights. US Ecology

picked Boyd County because geologically it was the best site, he said, "In looking at the facility and...the various safety analyses work that has been done, we see that the greatest potential for environmental impacts will be occurring during the construction phase."

Jay Ringenberg, Assistant Director of Nebraska Department of Environmental Control, reported on the State of Nebraska Plan for Review of the US Ecology License Application for the compact facility. First they file for license application, then they file the reports and ask for public comments. In a way it is very difficult to believe their license application will be passed, but in view of the proceedings, the way the compact treated the public, it's probably a given. The time has come for prayer.

## Illinois Lawsuit Could Bankrupt US Ecology

*The following is from the 1990 Letter of the Chairman of American Ecology Corporation to stockholders. The entire document was included with a report released by the Nuckolls County Monitoring Committee on the financial inability of American Ecology, the parent company of US Ecology, to fulfill even its present financial commitments, let alone any obligations that could come from the suit over its plant in Sheffield Ill., or Maxey Flats, Ky., or any future liability to the five-state compact or the state of Nebraska.*

### TO OUR SHAREHOLDERS

During the past several years, the market value of your American Ecology stock has decreased, a reflection of the poor financial performance of the Company. While we have made every effort to disclose all relevant and required information about American Ecology's business, financial data alone may not fully explain the reasons for your Company's recent performance, nor does this data necessarily give a complete picture of how your Company fits into the waste disposal industry, and where the future lies. I would like to take this opportunity to try to address some of the subjective issues which I think are fundamental to our industry. I hope this discussion will put into clearer perspective American's recent performance, as well as help to explain its future prospects.

The business of disposing (by landfill or incineration) of waste, be it municipal solid (garbage), hazardous chemical, or low-level nuclear, in today's environment requires sizeable resources. There are many smaller companies providing services in what the financial analysts call the "pollution control industry" which do not dispose of materials and therefore do not share, or are not perceived to share, the same risks and long-term

liabilities as those in the disposal business, like American. The major companies in the disposal industry, Chemical Waste Management, Browning-Ferris Industries, Rollins Environmental, Union Pacific Laidlaw, GSX, to name a few, dwarf American in terms of available resources. Such larger companies are able to absorb temporary, and even permanent, facility closures or major waste stream fluctuations without adversely affecting their remaining business. They are also better able to weather constantly changing regulatory and political requirements, which affect the waste stream and lie at the heart of the unpredictability of the business. American, which must rely on three operating disposal facilities for its working capital needs, is potentially more vulnerable to temporary waste stream interruptions.

The same underlying principle applies to the Company's ability to weather major litigation and regulatory/licensing disputes. The larger companies can withstand protracted litigation or licensing procedures, and even a major legal setback involving a disposal facility. However, *the long-term viability of American depends entirely on the favorable outcome of its litigation with the state of Illinois, and to a lesser degree a favorable determination of its participation level in the Maxey Flats superfund clean-up.*

A significant effect of American's small size (relative to the potential impact of a single negative operational or legal event) has been to make traditional sources of outside capital unavailable to the Company. The larger companies in the disposal industry are able to raise capital unavailable to the Company. The larger companies in the disposal industry are able to raise capital to fund new business development because the risks pre-

*Continued on page 13*

# Clean Air Act, Judge Novicoff No Help to Asthmatic

by Elizabeth Tape

Cheryl Chadwell's work in the state capitol takes her breath away. During her 10 and one-half years with the Nebraska Workers' Compensation Court, Chadwell has been surrounded by cigarette smokers. Although initially only irritated by the smoke, she developed asthma in 1984.

assessing the size of the 12th floor in another context, Thompson said, "In the tower of the Capitol, these floors are very small ... you can stand at one point and see everything else."

Thompson recited from the Nebraska Workers' Compensation Court Personnel Rules and Regulations. "Smoking during working hours is limited to the occupants of private

to employees of the Worker's Compensation Court." Novicoff's response once again declared that the Nebraska Workers' Compensation Court was in compliance with the Nebraska Clean Indoor Air Act.

Chadwell first made a written complaint to her employers on May 14, directed toward Judge Novicoff, who smokes. In her grievance, she addressed the matter of smokers' doors being left open. In his response denying her grievance, dated May 24, Judge Novicoff replied that the Nebraska Clean Indoor Air Act "excludes 'private, enclosed offices occupied exclusively by smokers.'"

When asked to interpret the term "enclosed offices," Agency Legal Counsel Glenn Morton — in a recent telephone conversation — said, "There is nothing in the Nebraska Clean Indoor Air Act or the Department of Health rules specifying that enclosed offices means that doors be kept closed."

However, Terry Philippi of the Department of Health wrote in his letter to Carol Thompson dated June 18, "In accordance with the Clean Indoor Air Act, such private offices designated as smoking permitted, should remain enclosed; i.e. doors closed so as to minimize the toxic effect of smoke to non-smoking employees. Employees in such of-

fices should be reminded to keep doors closed while smoking."

**Legal Counsel Glenn Morton said, "There is nothing in the Nebraska Clean Indoor Air Act or the Department of Health rules specifying that enclosed offices means that doors be kept closed."**

Judge Novicoff's response to Chadwell further stated, "We provided you with a fan for your area which points towards all areas where any smoking is permitted on the 12th floor to blow any possible smoke away from you. We are in compliance with the Nebraska Clean Indoor Air Act. We have done what we could to keep smoke away from you and to make you comfortable. The problem with your grievance is that smokers have some rights and my authority is limited. In balancing your and their rights, we have accommodated you as much as we can."

May 29, Chadwell appealed Judge Novicoff's decision, outlining the general dangers

*Continued on page 16*



Her physician, Fred Kiechel, M.D., a specialist in the field of allergy and asthma, describes her case. "Cheryl is very sensitive to tobacco smoke and exposure to this will bring on asthma," he said. The exposure is "giving her a lot of trouble breathing," and he cited the importance of a smoke-free environment as "chronic exposure to tobacco smoke can cause daily symptoms with the possibility of lung damage."

Chadwell said her condition has steadily worsened. In the last six months, she was moved closer to the office smokers, and a new smoker was hired who, she says, won't keep her door shut. After that her asthma caused her to miss work more and more days.

Chadwell described her immediate workplace as a large open area — where smoking is not permitted — surrounded by numerous private offices where smoking is permitted, whose doors are almost always open, according to Chadwell. She said, "There's one area towards the back of the room — it doesn't even have a door, just a doorway — where there are file cabinets and the copier. It's also the break room and they're allowed to smoke there too." Chadwell circulated a petition among the 17 workers on the 12th floor, of whom 10 voted against allowing any smoking on the floor. Last year, Chadwell asked to be moved to an area — on the same floor — farther from the smokers, but her request was denied by her supervisor Carol Thompson, administrator in the Nebraska Workers' Compensation Court. Thompson said in a telephone interview that Chadwell would then be too far from certain file cabinets and other pieces of equipment on the floor. In the same conversation, while

offices in such offices except that smoking is permitted during break and lunch periods in the designated coffee room and lounge." Thompson believes her office to be in compliance with the Clean Indoor Air Act.

As Chadwell's asthma worsened, she repeatedly requested Thompson's help in keeping smokers' doors shut. According to Chadwell, Thompson's attempts to achieve cooperation were minimal.

In Chadwell's grievance hearing, Thompson is reported to have stated that she spent an excessive amount of time monitoring the area, and therefore abandoned her efforts to do so. However, in a recent telephone interview, she said, "In Cheryl's mind it didn't work, so I'm not willing to make a big point of it again."

To support Chadwell's side of this specific dispute, in a letter — to Thompson — dated June 18, Terry Philippi of the Department of Health said, "Cheryl Chadwell has informed this office that her working conditions have improved since this office was initially requested for assistance (in the matter of keeping doors closed)." Chadwell also asserts that a door closure policy could never be properly assessed, having been inconsistently implemented. She says, "I had to keep getting up and shutting the doors and they'd open them ... it's just an on-going thing and they just wouldn't keep the doors closed."

On April 25, Chadwell wrote to Terry Philippi, Division of Drinking Water and Environmental Sanitation of the State Department of Health, outlining her difficulties. In a letter dated May 3, Philippi wrote to Judge Ben Novicoff, Presiding Judge of the Workers' Compensation Court, asking him to "outline steps taken to alleviate health risks

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# Waste-Tech Wants to Burn on Reservations

KAIBAB RESERVATION, Ariz. -- The fresh skin of a predatory bobcat hangs on Alberta Fuller's wall, a remnant of tradition. But Fuller speaks of a new era for her tribe: The era of the American Indian and toxic waste.

Fuller, a modern-day Indian chief, is negotiating with Waste-Tech Services of Golden, Colo., to bring about 70,000 tons of hazardous waste each year to the Kaibab Paiute reservation. An incinerator would burn the waste, and the ash would be buried on tribal land.

The Kaibab Paiutes and tribes elsewhere are torn between the allure of fast money and the integrity of their land. As landlords, the Paiutes stand to reap \$1 million a year from the waste-burning operation.

"There is just so much we could do with that money; it will mean a whole new life for our people," said Fuller, 47, the elected chairman of her tribe.

The proposal to the Paiutes is one of more than 20 involving Indians and waste that have surfaced in recent months, according to interviews with federal Authorities and experts.

Some have been turned down, but others are moving forward. For example, Waste-

*World-Herald Readers must be used to the paper's habit of running interference for Big Business: before the reader learns about a controversial business practice, the paper runs the corporate rebuttal.*

*True to form, the Herald's July 19th story, "Kimball Incinerator Firm Rebutts Criticism About Other Projects," told the industry's side.*

*The articles below (from the St. Louis Post-Dispatch) cover the original accusations. Observer readers may recall last month's front page story about John Sarich's reasons for believing that the hidden agenda of the Kimball project was the disposal of nuclear waste from Rocky Flats. The July 19th Herald article denied such intentions.*

*Besides Waste-Tech's plan to put an incinerator on a reservation in Arizona and Archon Service's interest in placing a hazardous waste incinerator on the Santee Reservation near Santee, Neb., there are more than 20 plans nationwide to dispose of waste on tribal lands.*

Tech, a subsidiary of Amoco Oil Co., signed a contract in April with the Kaw Indians of northern Oklahoma to build an incinerator and landfill near Kansas.

Indian reservations are the newest targets of hazardous waste operators, who are finding walls of opposition around cities and towns as well as around developing nations that they approach.

And waste companies are finding willing partners in Indian tribes.

The Kaibab Paiutes (pronounced kye-baub PIE-utes) could be ready to sign a contract in a few weeks, tribal chairman Fuller said. The Paiute land sits amid northern Arizona's stunning terrain of mauve and crimson mesas. It is surrounded by the Golden Circle of national parks. The Grand Canyon is just 60 miles away.

On self-governing Indian lands, waste companies can avoid tough state laws and the prying eyes of county and local governments. Tribal councils are the authority. In the case of the Kaibab Paiutes, not all the seven council members can read.

Federal laws apply on reservations. But they are written generally to be effective in conjunction with state statutes. The Environmental Protection Agency's regional office is in San Francisco, 600 miles from the Kaibab Reservation.

Roccena Lawatch, an EPA employee in San Francisco assigned to Indian matters, doubts whether her agency is prepared for the burden of regulating waste disposal on Indian lands. Inspectors probably wouldn't visit the reservation more than once a year, she said.

"We don't just put on our boots and go traipsing around in the desert unless somebody has called us," Lawatch said.

The EPA, she said, knows why the waste-disposal companies "are going to Indian lands -- to avoid strict regulation by states and the visibility of the federal government."

The Bureau of Indian Affairs, which must approve any contracts for use of Indian lands, is more receptive.

George Farris, head of the bureau's environmental section, recalls five or six "fly-by-night waste brokers that have tried to make

deals on Indian lands. He does not consider Waste-Tech in that category.

"I know this is controversial," Farris said. "A lot of people think it's just another way for Indians to be taken advantage of. But we don't look at it that way. We think that there is a lot of economic advantage to the Indians."

While some see promise, others are troubled.

Indians from as far away as Alaska and Canada gathered in Dilcon, Ariz., early July,

for an unprecedented conference devoted to threats from toxic waste on Indian lands. Navajos at Dilcon turned down an offer from Waste-Tech last year.

And among the Kaibab Paiutes, the issue is festering.

Some are disturbed by the prospect of trucks rumbling onto their reservation with drums of hazardous waste from California.

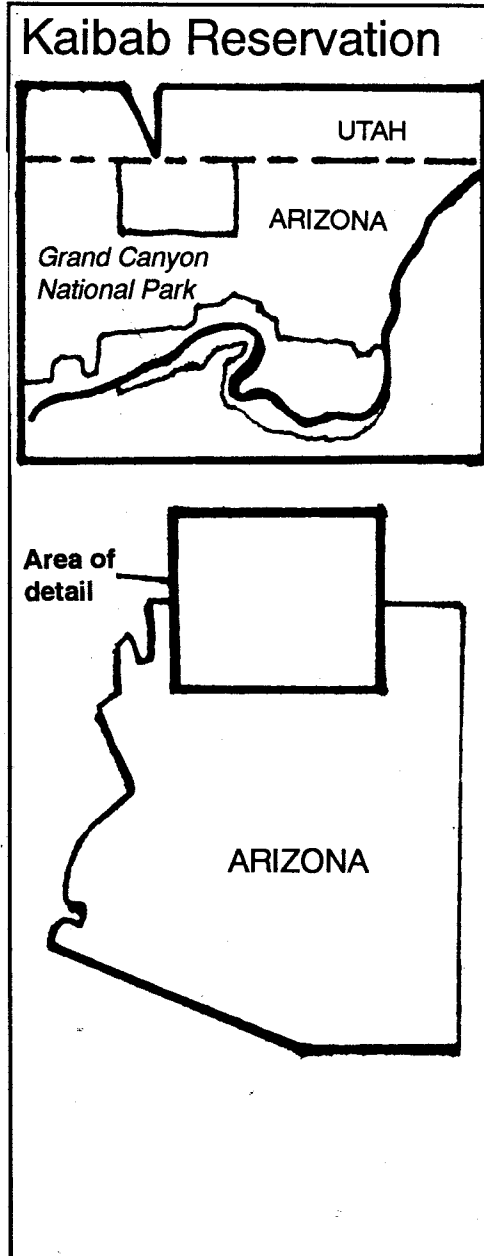
According to the draft contract, the waste could include all toxic materials other than those that are radioactive, medical or from the manufacture of weaponry. That means that mercury, arsenic, dioxins and any of a number of cancer-causing chemicals would be allowed.

Waste-Tech officials contend that their operation would be safe. Among other things, ash from the incinerator would be buried in a plastic-lined landfill.

"It is burned into our hearts to do a good job," said Roberta Andersen, a spokeswoman for the company.

But some of the Paiutes are unconvinced. "How dumb do they think Indians are?" asked Vivienne-Caron Jake, leader of the opponents. "No amount of dollars makes

*Continued on page 11*



## Louisiana Cites Waste Tech Failures

Waste Tech Services, Inc., describes itself as good guys of the environment. The company says it wants American Indians to join it in cleaning up hazardous waste.

"I have heard Indians say that, because they love Mother Earth so much, they want to participate in environmental problem solving," said Roberta Andersen, spokeswoman for Waste-Tech.

In Lake Charles, La., where Waste-Tech operates a small incinerator, state inspectors have instructed the company to solve some problems of its own.

The Louisiana Department of Environmental Quality charged in January that Waste-Tech had failed to keep proper records had not told the state as required about changes made to correct "faults and failures," and had failed to provide closure cost estimates. A fine of \$50,000 each day was threatened.

Waste-Tech has run an incinerator in Lake Charles since 1988 to destroy wastes produced by a local PPG Industries plant. Unlike the operations proposed for Indian lands, no waste is trucked in.

The company also has a preliminary permit for an incinerator waste operation in Kimball, Neb.

In Missouri, Waste-Tech has tried unsuccessfully to set up various waste operations in Rock Port, in Troy and elsewhere. Earlier this month, company representatives met with the Missouri Department of Natural Resources about opening a landfill at Princeton.

Waste-Tech disputes those who say that they are looking at sovereign Indian lands to avoid oversight by states. "If anybody thinks

we're trying to dance out from under laws, that is certainly not the case," Andersen said.

But a letter earlier this month from Waste-Tech's lawyers to a lawyer for the Kaibab Paiute Indians protests efforts by the tribe to monitor an incinerator and landfill proposed on the Indian's land in northern Arizona.

The letter also objects to the tribe's effort to obtain veto power over changes in Waste-Tech's operations and to the tribe's demand that violations of federal law by the company be grounds for breaking the lease.

Incinerators like those proposed by Waste-Tech are required to destroy 99.99 percent of the waste materials. Only 15 commercial incinerators operate in the United States.

Even at the 99.99 percent rate, critics say that every 10,000 tons burned yields a ton of airborne waste. Some of those critics say that a better solution to the problem of waste disposal is forcing manufacturers to change their operations so they will reduce toxic byproducts.

Many manufacturers are in no hurry. For one thing, they rid themselves of all or most liability by turning over hazardous materials to companies like Waste-Tech.

Waste-Tech, a subsidiary of Amoco Oil Co., insists that neither Indians nor taxpayers will become liable for wastes left on tribal lands. "If problems appeared that Waste-Tech Services couldn't handle, the resources of Amoco would come into play," Waste-Tech says in an open letter to the Paiute Indians.

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# Grand Jury Report Gives Reason For Skepticism

Continued from page 1

comfortable conditions, and to collect money for her story or from civil litigation."

The motivations the Grand Jury impart to Owen are harder to believe than Owen's allegations. She risked far more by testifying before the Grand Jury and not utilizing the Fifth Amendment. The warden of the correctional institution at York has said that she only had to ask to receive more comfortable conditions. In fact, her conditions got worse after coming forward.

## Paul Bonacci

"Bonacci was perhaps the more pathetic witness to appear during the entire proceeding...He has been diagnosed as having multiple personalities, and his psychiatrist doubts that he can tell the truth."

Knowing this, the Grand Jury indicted Bonacci for perjury.

## Troy Boner

"Boner recanted his initial fabrications and cooperated with the Grand Jury."

What does "cooperated with the Grand Jury" mean? Does "cooperating" mean telling the jury what it wants to hear? Did Boner "cooperate" to the point that he lied to the Grand Jury?

He has subsequently lied about being in Senator Schmit's office the day of the Caradori funerals. Seven people saw him there and yet he maintains he was not there. Why does the Grand Jury place so much credibility on a witness who is an admitted liar who admits willingness to lie for money."

## Michael Casey

"...We became suspicious of Casey's motives and the possibility that he fueled the fire of rumor and innuendo in Omaha. We believe it possible that allegations about Harold Andersen and Boys Town were a product of Casey's personal grudges. Perhaps he disregarded moral ethics and strayed from fact-finding for the sake of creating a sensational story."

The Grand Jury never talked to Michael Casey. How can the jurors make assumptions about his motives and personal grudges if they never questioned him. Who did they talk to about Michael Casey? In a World-Herald article in April, Casey was quoted as saying that he did not believe Harold Andersen to be involved; even if Casey held an alleged grudge, he went on record in opposition to that motive. The Grand Jury should have talked to Michael Casey.

Editor's note: In the year and a half since Michael Casey began interacting with those investigating and writing about the Franklin case, we experienced him to be highly unstable. We question whether he could orchestrate anything more enduring than an

hour of hints that he held the key information that would lead to a Pulitzer Prize. We do not know of any journalist who would take Casey's word without confirmation. Casey was often drunk, broke or both. Although he would often contact journalists, we were rarely able to successfully return phone calls, apparently because he didn't stay in one place long enough. He spent a great deal of time outside Omaha, once purporting to being sent to China on assignment to cover the Tienanmen Square massacre, another time calling from the San Francisco area. We are dumbfounded that the Grand Jury would attribute to Casey the ability to dupe anyone of any professionalism or intelligence.

## The Early Allegations

"Carol Stitt, executive director of the Foster Care Review Board, should have spoken to the proper authorities at Uta Halee, Richard Young, and Boys Town..."

The Foster Care Review Board has no investigative authority. The authorities who do have such authority were contacted by Stitt.

A Young Omaha Girl  
"(4)The Douglas County Attorney's office, in conjunction with the Douglas County Juvenile Court, has, over the years, provided the girl with placement at both Uta Halee and Richard Young Hospital."

Douglas County did not provide this service. The girl was under Richard Young's indigent care program.

## Alan Baer

"...Many of the allegations made by Alisha Owen and Paul Bonacci about Baer are not true."

Baer was indicted for pandering. Doesn't this mean some of the allegations were true? The Grand Jury was privy to the information contained in the reports of Baer's private foundation. How do the jurors account for the fact that Troy Boner's name appears as a recipient of money from Baer when he claims to not know Baer?

## Peter Citron

"...It appeared that he (Citron) was written into the script because of his known homosexual and pedophile behavior."

To whom was his "pedophile behavior" known? If it was known, why was he allowed to commit these crimes for 20 plus years in Omaha? Did the Grand Jury question the Omaha Police Department about this? Did they question the County Attorney about this? How many victims have there been over the years that no one has believed?

## Robert Wadman

"...We have made every attempt to find a motive for the scripting of his name as a perpetrator, but could find none other than his community visibility."

If the Grand Jury could find no motive, maybe its assumption of "scripting" is wrong.

"By Owen's refusal to submit to the blood test, the Grand Jury concluded that Wadman is not the father of Owen's child."

Owen has never refused to take a blood test. Medical personnel will verify that certain requirements must be met in order for a blood test to stand up in court. Those requirements are that the blood be drawn and tested at the same time and place, as age of the blood is a factor, mistakes are made in shipping blood, and different labs use different equipment. It is crucial that the blood be exposed to the same variables.

Furthermore, had the blood tests been done under the auspices of the Grand Jury, there was no guarantee that any of the involved parties would have received the information.

## Harold Andersen

"...The motive for naming Andersen as connected with suspected child abusers was probably politically generated..."

What does "politically generated" mean? What possible political motivation would teenagers have?

## Gary Caradori

"...We think that Caradori stood to gain professionally and personally from the outcome."

Gary Caradori had nothing to gain. He already had a very successful business; in fact the Franklin investigation hurt his business according to family and business associates.

It should also be noted that Caradori was not finished with the investigation. How did the Grand Jury reach conclusions without benefit of all the information?

## The Legislative Committee

"This wide variety of topics caused the Legislative Committee to lose focus of the original intent of the committee."

The Legislative Resolution that created the committee is based on circumstances that include: "alleged physical and sexual abuse of foster and adopted children."

"...There appears to have been a lack of security during the committee hearing and investigation."

As Senator has repeatedly pointed out, no leaks occurred until the information was turned over to law enforcement.

## Senator Ernest Chambers

"It is difficult to understand how King and his entourage led such an extravagant and outlandish lifestyle for so many years in Chambers' own district without his having any inkling of the

same."

How did King get away with the above when Harold Andersen was on his advisory board? Furthermore the Franklin Credit Union was not Chambers' district.

## The News Media

"As our investigation progressed, we became increasingly concerned with the relationship between KKAR radio's Station Manager, Steve Brown, and Michael Casey. During 1989, when the hoax was in its inception, Casey lived with and worked out of Brown's house, and the two freely exchanged information. They each received and passed on unsubstantiated rumors and gossip. This relationship, coupled with Casey's prior record of felonious conduct and media duping, render suspect KKAR's enthusiastic coverage of Franklin."

The Grand Jury never interviewed either Casey or Brown. Furthermore, journalists are supposed to gather information. For Brown to get what accurate information he could from Casey was entirely appropriate.

"We believe that it is unfortunate that the Omaha area has only one major newspaper."

On this, we concur.

## Laws Concerning Sexual Abuse of Minors

"...The Grand Jury is of the opinion that Nebraska laws on this subject are adequate for today's society."

The laws are not adequate. For instance, the various laws concerning sexual abuse all have differing ages. Child advocates in Nebraska all agree that the age should be uniform. It appears that the Grand Jury did not investigate this matter very thoroughly before drawing their conclusion.

## Foster Care Review Board

"As previously stated, children do have the right to expect that if they exhibit reasonable behavior, they will not be abused."

This is probably the most telling sentence about the attitude of the Grand Jury. CHILDREN, LIKE ADULTS, HAVE THE UNQUALIFIED AND UNCONDITIONAL RIGHT TO NOT BE ABUSED.

## Law Enforcement

"Testimony reflects that many citizens lack confidence in OPD's response to complaints. Therefore, a portion of the public may hesitate to notify OPD when they are a victim of, or a witness to, a crime. The Grand Jury recommends that the Omaha Police Department continue to work on improvement of their community relations programs."

Maybe OPD needs to work on its response to complaints.

Continued next page

# World-Herald Is A Disgrace to Nebraska

*The article below was a such natural response to an editorial by the World-Herald that it almost wrote itself. We must, however, admit human involvement in its writing. And, unlike editorial writers at the World-Herald, we at the Observer sign our editorials*

*by Frances Mendenhall*

Employees of the World-Herald should be embarrassed at the behavior of the Editors of the World-Herald. The Editors have disgraced themselves and the state.

The World-Herald didn't just botch its coverage of the failure of the Franklin community Credit Union and allegations of sexual abuse by their attempt to discredit witnesses in the press but also held the rope for what was in effect the lynching of all innocent victims of sexual abuse. Fortunately, before the trap door could be tripped, the Legislative Committee continues.

Now the committee fights on, in spite of criticism by the grand jury, in spite of attempts by the World-Herald to

close the trap door, in spite of the attempts to discredit witnesses.

The World-Herald has been contradictory and inconsistent.

For instance, the World-Herald has printed articles questioning the credibility of the three victims (in total violation of the Bar Press Guidelines) and now it says: "Boner (one of the victims they tried to discredit) was the most believable of the three young people on

the Caradori videotapes."

The editors can't have it both ways. Did they believe Boner in February when they were actively questioning his believability, or do they believe him now when he has been caught in two blatant lies? He lied about being in Senator

Schmit's office when seven people saw him there; and he now says he never knew Alan Baer when Alan Baer listed him on his tax records as receiving money from Baer.

If Boner did lie to the Grand Jury, where does that leave the World-Herald? It is in a no-win situation. To prove that it has not tried to obstruct the truth, it now has to prove that its principal witness, Troy Boner, is not a liar.

It must now place all its hopes on Mr. Boner and his characteristic recantation.

How did the World Herald get into such a situation?

Could it be that the World-Herald has a conflict of interests? The World-Herald's managing editor is Harold Andersen's protege Woody Howe. Can Howe maintain an unbiased attitude when his mentor had been mentioned as a possible suspect? Furthermore Peter Citron, a long-time employee of the World-Herald and listed as a suspect in the investigation, has recently been convicted for molesting two boys.

The World-Herald has not been the watchdog for the citizenry. Woody Howe, Gabriella Stern, Bob Dorr, and the rest have exhibited an extreme form of truth denial, saying it is all

a carefully crafted hoax.

Schmit's committee has accomplished a worthwhile purpose. As the grand jury pointed out, improvements need to be considered in the way Nebraska protects foster children and the way its law enforcement agencies handle reported cases of child sexual abuse. The committee has always considered systemic problems and the subsequent needed changes

and seem to be following a productive course.

The World-Herald quotes the grand jury as saying "it (the legislative committee) is costing the state of Nebraska thousands of extra dollars." If the World-Herald cares so little about sexual child abuse as to put a price tag on the safety of even one child, maybe it should at least consider its own reputation which is at an all-time low.

## 'Caradori Was Murdered Because He Knew Too Much'

*The following note was mailed anonymously to the Observer with a video tape. The tape is the testimony of Alisha Owen. We believe that it is now in the hands of many journalists, but anyone with information about who is sending it and who is getting it is invited to contact us. Since unindicted persons are named on the tape, we do not intend to show it publicly with the names intact.*

"Gary Caradori feared for his life. He believed the FBI, State and local law enforcement agencies were involved in the coverup of the facts surrounding his investigation into the Franklin Credit Union matters.

"Three days before Caradori's death, he made strong statements regarding his 'fear for his life.'"

"In the event of his death it was his wish that this video would be made available to certain organizations and individuals.

"Gary Caradori was very much aware of a 'high level plot' to undermine his investigation and the witnesses he had interviewed. Gary said 'the only way this case won't be

shuffled under the rug is if it is somehow brought before the public.' He believed that the Douglas County Grand Jury was being led by Special Prosecutor Van Pelt to investigate witnesses and the investigators.

"We believe wholeheartedly that Gary Caradori was murdered because he knew too much. Gary Caradori is not here to defend his investigation into the Franklin Credit Union matters--it is now up to the people of this state. Please view this video and decide for yourself if this entire matter was 'a hoax,' or a very real and frightening reality.

"This video contains adult subject matter and should be viewed away from children. If you believe the contents of this video, show this video to as many additional people as possible and offer your complete support to the Special Legislative Franklin Committee for the continued investigation into these Franklin Credit Union matters.

"You are encouraged to use this video tape as an original and have additional copies made for distribution so that all citizens of Nebraska can become aware of the facts.

"More information will follow."

## Responses to Grand Jury

*Continued from previous page*

### Kirstin Hallberg

*"In a few instances Hallberg made correct assumptions, but in most she did not. In many cases Hallberg's overreacting caused misinformation to be disseminated. She did not always act with good judgment, but operated from a feelings base as opposed to a factual base..."*

The Grand Jury concedes that some of Hallberg's assumptions were correct. And in fact, Hallberg's main concern was for the victim described by the Grand Jury as "A Young Omaha Girl." On page 13, paragraph 4, (Number 1) the Grand Jury says of A Young Omaha Girl:

"She has suffered more abuse and neglect than anyone should have to endure..."

"Number 3 says: "The Grand Jury is of the opinion that the Omaha Police Division did not do adequate follow up with the girl..."

How could anyone not be emotionally involved? Hallberg had been trying for years to prod the authorities into acting.

To criticize Hallberg for being emotional about a young girl who the jurors admit has "suffered more abuse and neglect than anyone should have to endure" is unfair.

### Bonnie Cosentino

*"Cosentino commented at great length about the alleged victim-witness, Alisha Owen, although she admitted never having contact with Owen except through written correspondence."*

The Grand Jury commented at great length about Michael Casey without even the benefit of written correspondence. Why the double standard?

*"...We believe that Cosentino reported, in violation of her oath, to Senator Ernest Chambers, and eventually indirectly to the media, that the Grand Jury was not attentive, cohesive or effective..."*

Bonnie Cosentino in fact reported to Senator Chambers the circumstances surrounding her treatment by Terry Dougherty outside the Grand Jury chambers before she had taken the oath of secrecy.

### Charles Rogers

*"We spent a considerable amount of time investigating all aspects of Rogers' death."*

The Grand Jury never spoke with the investigating agency, the Douglas County Sheriff's office.

**Potluck  
and Singalong  
August 10  
3501 N. 49 St.  
Omaha  
5:30**

**This is a warm-up for the  
Counter Press Club Ball,  
which will be held in October.**

# FmHA Funds Find Their Way to Many Pockets

by Dan McMullen

The thought of obtaining a home loan through the Farmers Home Administration (FmHA), should conjure images of a person buckling up his bib overalls, adjusting his John Deere hat and driving the pickup to town for the loan. The FmHA is the federal government's largest direct lender boasting a portfolio in excess of \$63 billion. But FmHA reaches few farmers. Much of the home-loan money goes to non-farmers; often to the urban poor.

In Nebraska the FmHA has concentrated its home lending in and around predominantly metropolitan counties. FmHA holds the paper for about 600 units in Douglas and Sarpy Counties.

Neighboring Saunders County abuts both Douglas and Lancaster County and has FmHA housing in Ceresco, Wahoo and Yutan.

The housing development in Yutan is known as Timbercrest. People obtaining FmHA loans have to have been turned down by three lenders to qualify for FmHA assistance. Yet, the occupants of Timbercrest, those who can least afford it, pay the highest property tax in the county. A study of Timbercrest reveals a confusing array of facts which leaves some doubts as to the usefulness of the FmHA home loan system.

## The Last Resort

Over the years the FmHA has extended more than \$150 billion in credit with half of that being rural nonfarm programs. Housing assistance exceeds \$54 billion, 70 percent of the agency's rural nonfarm lending.

FmHA calls itself the lender of last resort. To qualify for a loan the borrower must have a low to moderate income and: 1. be without decent, safe and sanitary housing, 2. be unable to obtain a loan from other sources, 3. have sufficient income to pay house payments, insurance premiums, taxes and living expenses, 4. possess a legal capacity to incur the loan and 5. have the ability to carry out the undertakings of the loan. One other qualification is that the borrower must be willing to live in a rural area.

FmHA can tailor the loan to fit the needs of the prospective home owner. The agency can subsidize the principal and the interest on the loan. Currently, interest on a home loan is 9 percent. FmHA can reduce this to 1 percent if necessary. Most loans are for that 1 percent figure.

Contractor C.G. Smith built Timbercrest in 1975 basing his decision upon the availability of financing and the proximity of jobs; Millard is just 13 miles from Yutan. Before construction could commence FmHA reviewed the specifications to insure the houses met the agency's strict guidelines. The houses must be modest in size, cost, and design. "Modest" means the house can have a one-car garage not two, the basement should be unfinished and frivolities such as fireplaces are not deemed humble enough to fill the bill.

Other guidelines require the homes to be built in areas having paved streets, adequate sewers and water facilities and near schools and necessary facilities. This forced Smith to apply for a Sanitary Improvement District (SID)

permit. The SID raised \$525,000 for the development. SIDs are financed by wealthy investors who expect to realize a profit on a long-term basis. SIDs are paid off by the residents of the development through their property tax collections.

## High Out-of-Pocket Expenses

On August 20, 1987 the SID was insolvent so it was refinanced by Dain Bosworth, Inc., of Omaha. Between 1983 and 1985 Timbercrest saw as many as 45 percent foreclosures. Smith blames the FmHA for the problem.

"I think the Farmers Home Administration is its own worst enemy," Smith said. "They wouldn't let the borrowers escrow for taxes."

Timbercrest residents, unlike many home owners who have their property taxes included in their monthly payments, must pay property taxes twice a year from their own pockets.

"It's hard for people like them to come up with the money," said Smith.

Saunders County Assessor Betty Patzloff said the foreclosure rate has improved in recent years.

"There are not quite as many foreclosures. The caliber of the people has changed," said Patzloff. "What I could never understand is why the development was built in an area which had the highest tax rates."

Yutan has the highest school district levy, special building levy and school bond levy in Saunders County. The current levy for the Timbercrest development is \$4.0153 per every \$100 of property evaluation. Yutan's levy is \$3.0980. The average levy elsewhere in Saunders County is \$2.50. Just like every other city, village or town, Yutan will not annex Timbercrest until its SID is paid off.

To make matters worse, the Timbercrest homes are all-electric. Besides high taxes the residents are plagued with high electric bills. Most of the available employment is in Omaha or Valley. The commute is a minimum of 40 miles a day. Yutan has a small grocery store and very few services. Most shopping is done in Omaha, therefore gasoline use causes a further drain on the pocketbook.

"The problem has always been the size of the development vs. the availability of employment," says Gerald Rolenc, county supervisor for the Saunders County FmHA. "It was easier when they built Timbercrest because gas cost a whole lot less than it does now. I believe that in the past the thinking was to take care of the urban poor by moving these people out of the city."

In 1964 the Economic Opportunity Act authorized loans to low-income residents for nonfarm enterprises. This was done to stimulate growth in small rural towns and villages. Attracting the urban poor to these localities seemed to be a way of killing two birds with one stone.

"Every time there is a slump in the economy the poor are the first to be hurt," said

Rolenc. "We had a high foreclosure rate back in the middle '80s because the first to go are the poor when there are layoffs. Right now there is an increase in loan activity around the Columbus and Norfolk area because of increased industrial growth there."

The 1990 Census is currently a problem for the FmHA. The original FmHA guidelines prohibited loans to be made in populations greater than 10,000. In 1974 that number was increased to 20,000. Both Columbus and Norfolk may, as a result of the census, lose eligibility for FmHA assistance if the populations increase above the 20,000 limit. FmHA home loans in Elkhorn can no longer be made because Omaha's city limits are too close to warrant new loans.

## 'Recapture' or 'Graduation'?

One Elkhorn resident is in the process of selling her FmHA home and will have no equity in the house. After October 1979, all loans made by FmHA were subject to "recapture." Recapture means that the portion of payments and interest which were subsidized will be paid back to FmHA either at the time of resale or when the borrower has successfully paid off the loan.

If a borrower pays off a 33-year loan he must continue to pay until the subsidies are recaptured. Up to 75 percent of the subsidies will be due before the transaction is finished.

"That is why we encourage what we call graduation," says Rolenc. "We monitor the borrower's income. If they are earning more we have them make application for refinancing the loan through a regular lending institution. This way they graduate to a normal life."

Nevertheless, recapture takes the equity before the loan is transferred. Many FmHA homeowners feel they are merely renting a house rather than buying.

Another puzzling aspect of FmHA houses is the payment of taxes when the house is empty. The valuation on a Timbercrest house is anywhere from \$38,500 to \$43,000 putting the taxes from between \$1,500 to \$1,700 annually. When the houses stand empty due to foreclosure, the federal taxpayer, through the FmHA, pays the taxes. There are five units empty in Timbercrest.

The pressure to sell the units in order to avoid paying property tax is apparent. The county FmHA offices deal with local realtors to put these houses back on the routine tax rolls. Each county office has the option to deal with an exclusive broker or with all realtors who will handle the property as if it were a normal listing.

## Removing Improvements

Former Timbercrest residents have said that improvements on the property were removed after the house was vacated. Claims range from the removal of decks, finished basements and even solar panels. Some feel the additions are extracted so that the houses

*Continued on next page*

## How to Buy FmHA Farmland

The Center for Rural Affairs has completed a year-long project to help the public understand the process involved in purchasing federal farm inventory from the Farmers Home Administration (FmHA) and to make local FmHA decision-making more accountable to the community. These outreach efforts were extremely successful. Twenty-three workshops aimed at helping farmers buy FmHA properties were conducted in 10 states (Nebraska, North Dakota, Minnesota, Iowa, Missouri, Oklahoma, Kansas, South Carolina, Louisiana and Mississippi) with 750 people attending. An additional 11 workshops were conducted in four states (Nebraska, North Dakota, South Carolina and North Carolina) to help 100 FmHA County Committee members be more effective in administering FmHA programs.

The farmland inventory workshops reviewed why the new laws regarding FmHA inventory property were passed; how to use FmHA regulations; what difficulties could arise; and the amount of FmHA land available in the local communities. The Center's Guide to the Purchase of FmHA Farmland and a catalog listing of all FmHA properties in the various states were provided workshop attendees. At

the County Committee workshops participants instruction on committee responsibilities and a copy of the Manual for County Committee Members. They worked through sample problems in small groups with other committee members.

The project involved extensive organizing with church and farm groups in the various states. Copies of the Guide (\$5) and Manual (\$4) are available from the Center.

## I-300 Update

All parties in the MSM Farms, Inc. lawsuit against Initiative 300 (Nebraska's constitutional limit on corporate farming) have filed briefs with the Federal Eighth Circuit Court of Appeals. MSM Farms offered no new arguments in its appeal of a lower court decision. The Nebraska Attorney General's brief was once again a minimal effort. Fortunately, Nebraska farmers Everett Holstein and Richard Bartek are intervenors on behalf of Friends of the Constitution, and their attorney's brief was thorough. The cause was also aided by "friend of the court" briefs filed in support of I-300 by the Attorneys General for Iowa and North Dakota.



# ConAgra Guilty of Defrauding Poultry Growers

by Frances Mendenhall

In late 1989, an Alabama jury found ConAgra guilty of fraud and breach of contract for misweighing poultry. The class action suit filed on behalf of 268 growers cited the following actions by ConAgra:

1. Use of wire to tamper with the scales... to cause a false and low measure and weight of poultry.

2. The switching of trucks of different weights...to produce a false and low measure and weight of poultry.

3. The standing on scales by agents, servants and employees of ConAgra when weighing empty trailers.

4. The addition and manipulation of gasoline...so as to produce a false and low measure and weight of poultry.

Including interest, the award to the growers is over \$15 million. ConAgra, which is appealing, has not settled the case and is also accruing a debt of interest at the rate of \$4,000 a day. In July the court required of the company a letter of credit for \$22 million during the time of the appeal.

This story illustrates the difficulties of poultry growers in a market of increasing vertical integration. Corporations typically

own feed mills, hatcheries, processing plants, feed trucks, even the chickens themselves. The company often provides medication and field service. This relieves the growers of some expenses, but it also results in a loss of control, with contracts written in favor of the company. One grower interviewed for this article had recently lost her contract, and believed that many in her situation felt the pressure to tolerate abuses rather than risk losing their contracts. "As a result," she said, "this type of abuse is more prevalent than anybody thinks."

Poultry growers in Nebraska face no fewer problems with vertical integration than in other states. Protections of the Family Farm Amendment excluded poultry, since the industry was considered too far gone to save.

Meanwhile, it appears that there is little pressure on ConAgra to settle. Gerald Johnson, attorney for the growers, said, "Just look at the money they paid for Beatrice. They have billions. We're just a small stone in their shoe. This could drag on for nine to 12 months."

Material for this story was partly taken from an article in *Poultry Growers News*, July 1990.



## Mortgage Holders Least of Those Helped by FmHA

Continued from previous page

remain within FmHA guidelines of modesty.

"When we foreclose on a property there is usually some damage done which we repair," said Rolenc. "Some additions to the property were done by the owner and often times done incorrectly. Naturally we have to make the corrections. Finished basements have been removed because the insulation specifications have been changed since the homes were built. Basement insulation requires an R-10 rating. Most of the time there is no insulation behind panelling forcing us to remove it."

### 'Farming' for Customers

After C.G. Smith finished Timbercrest his

## Tours Show Off Sustainable Agriculture

by Sam Welsch

The 10th annual Sustainable Agricultural Tour will be held Saturday, Aug. 18 from 7:30 a.m. to 6 p.m. This bus tour of innovative farming practices will be combined with a farm tour planned for the National Sustainable Agriculture and Natural Resources Conference.

Tour participants will be joined by Conference participants on each bus. The \$15 registration fee includes lunch, refreshments, and a seat on the air-conditioned bus. Three tour options are offered:

**Tour One:** Agricultural Research and Development Center, Mead, Neb.; Del Akerlund farm, Valley, Neb.; DeSoto Bend Wildlife Refuge, Missouri Valley, Iowa; Ron Rossman farm, Harlan, Iowa; Jim Bender

sister-in-law, Barbara Smith, started Nebraska Homes Realty. She sold all of the Timbercrest homes. How she located the customers who fit the FmHA criterion is a mystery to her competition.

Barbara Smith said she has most of the FmHA clients because she "farms" her customers.

"I send Christmas cards to all my customers and keep in touch with them," said Smith. "Other realtors don't want to mess with FmHA. I am in contact with the FmHA at least three times a day looking for listings. I'm successful because I work harder."

Despite Smith's claims, the 45 percent foreclosures in Timbercrest provided a re-

volving door effect for her in the middle 1980s. Each time she provided a customer for FmHA her commission was paid. It didn't matter what happened to the borrower after the sale.

The county offices of FmHA have two choices when dealing with local realtors. The agency can agree to deal with all realtors who are willing to list their units on an open listing with the rest of homes offered by the realtor. It is possible, but not likely, a prospective home buyer would want the house and pay for it through a local lender instead of FmHA. In the case of FmHA developments most buyers would choose not to live in a neighborhood comprised of people who have financed their home through the lender of last resort.

The second choice is to deal with a realtor who has been designated an exclusive broker. The county FmHA can recommend one realtor to handle all of their units to the state office. The office will investigate the candidate and then approve or disapprove the nomination. Barbara Smith is the exclusive broker for Saunders County. Three years ago the Douglas County office decided to have open listings instead of dealing with an exclusive broker. Smith had sold many FmHA units in the Douglas County prior to the change. Smith praised the recapture provisions in 1979.

"I think the recapture was the right thing to do. I mean they were giving those houses

away before that!" she said.

### Who Profits from FmHA Loans?

C.G. Smith isn't sympathetic to the homeowners who realize no equity when they sell their homes.

"Golly, they're only paying 1 percent interest. That woman (the one in Elkhorn) shouldn't expect anything back," he said.

Who profits from FmHA home loans? Developers get their money back once all the units are sold. Realtors have no responsibility to the outcome of a bad loan and continue to receive their commissions. County governments continue to receive taxes whether the unit is occupied or not. Villages like Yutan have unannexed housing projects to help pay their bonds and levies. FmHA employees have jobs. The homeowners are left with a property which may or may not appreciate in value. In the meantime they can only hope that the value increases so that there will be something left for them when they try to sell their property. Gerald Rolenc was asked if he thought suspending the loan program would be a good idea. "Now there's an interesting question," Rolenc said. "Everyone is sort of dependent on the system. It wouldn't help if it were shut down." Rolenc was also asked if, knowing the shortcomings of the loan program, he would advise a friend to take out an FmHA loan.

"What can I say? We play the game by the rules," he said.

farm, Weeping Water, Neb.

**Tour Two:** Agricultural Research and Development Center, Mead, Neb.; David Vetter's The Grain Place, Marquette, Neb.; Wes and Paul Huenefeld farm, Aurora, Neb.; Joe Peters farm, Henderson, Neb.; Frampton Demonstration Farm, Lincoln, Neb.

**Tour Three:** South Central Research and Extension Center, Clay Center, Neb.; Ron Ellermeier farm, Glenvil, Neb.; Rich Mazour farm, Deweese, Neb.; Ben Jones' and Jack Horst's Oak Creek Farms, Edgar, Neb.; Ron Meyer farm, Superior, Neb.

All buses will leave the Nebraska Center, 33rd and Holdrege, Lincoln, at 7:30 a.m. For more information or to register, call the Nebraska Sustainable Agriculture Society, (402) 254-2289.

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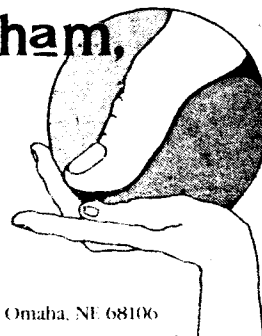
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# Tribal Leaders Lured by Money from Waste Burners

sense to some of us. There is no amount of money our land is worth."

Jake and nearly a fourth of her tribe's 213 people signed a petition challenging a vote in April that let matters get this far. They have failed so far to sway tribal leaders.

Federal authorities are divided, too. While the Bureau of Indian Affairs supports the plan, some in the National Park Service are concerned.

"The potential for a major environmental impact is well along here, and a lot of people aren't interested," said Gary Hasty superintendent at the Pipe Spring National Monument, a restored Mormon fort situated on Kaibab Paiute land.

Some wonder, too, what a thirsty incinerator would do to the desert's meager water supply. The incinerator would use 600 gallons of water every minute. Such concerns would be raised in preparation of an environmental impact statement after the contract is signed. What would be needed then would be final approval from the Bureau of Indian Affairs and operating permits from the EPA.

Mayor Bernie Ripper, Kaibab, Utah, 10 miles east, worries about tourism. Every day, about 20 buses packed with sightseers pull into Kaibab. People came last year from as far away as Israel, South Korea and the Soviet Union.

Jeanne Whitmore, an outfitter and fishing guide in Kaibab, summed up a common sentiment: "Toxic waste and the Grand Canyon. Sounds great, doesn't it?"

Opinions from outsiders, however, mean little to tribal leaders. Paiutes gain next to nothing from tourism.

Waste plans are seductive on reservations, where unemployment averages 40 percent.

"It will give us security for a lot of years. We feel real good about what we have done," said Wanda Stone, tribal chairman of the Kaws of Oklahoma. The Kaws have kept secret the details of their contract.

If the Kaibab Paiutes sign, they get a \$100,000 bonus -- theirs to keep, even if the waste operation fails as the result of an unfavorable environmental impact study.

Fuller, the tribal chairman, talked of writing checks to Indian families this summer as a means to smooth tensions.

Under the plan, the Paiutes would get \$200,000 each year during construction and \$1 million annually during an expected 25-year life of the incinerator. The company has promised a local payroll of \$30 million during that time and 75 to 100 local jobs.

The Kaibab Paiutes want a courthouse and a civic center, neither of which they have. They could use another policeman. They have just one. "We sit and dream," Fuller said. "It could inspire us."

Others doubt whether riches mean better

times.

Paul Rodarte, a Paiute-Shoshone Indian, recalled getting \$5,000 a few years ago from a federal program to dissolve tribes.

"I bought a '73 T-Bird and partied the rest," Rodarte said.

"People go crazy with all that money. They start drinking. I knew people who bought cars, wrecked them, and went out and bought new ones."

Rodarte, 35, has another life now as an activist with the Citizen Alert native American Program in Reno, Nev., where he keeps track of waste proposals on Indian lands.

He calls proceeds from waste companies "blood money." Indians who arrange such deals sell out their people, he said. "It's like giving people a loaf of bread without showing them how to sow the wheat."

## Will Burning Toxins Poison Indian Culture?

by Bill Lambrecht

KAIBAB RESERVATION, Ariz. -- As sweat lodge caretaker at Kaibab, Ben Pikyavit makes sure that the volcanic rocks are white hot and that the willow wood is chamber sturdy.

Then he leads people into the canvas-covered lodge and the cleansing ritual begins.

Relief and restoration are the goal of ceremonies in these Native-American saunas. Some members of the Palutes tribe here worry that purification will be impossible while toxic waste burns nearby.

That is one of the many spiritual issues connected with a proposal to allow a disposal company to bring about 70,000 tons of hazardous waste each year to the reservation to feed the incinerator.

Other Indian tribes are concerned that waste operators will speed the demise of

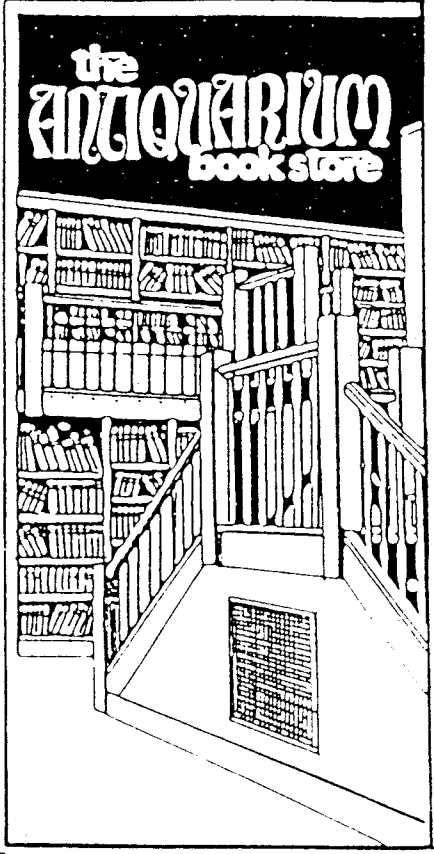
their culture. In Southern California, the Mission Indians object to a plan by Waste-Tech Services Inc. to build a garbage dump over the site of a former Indian village.

The California dump would about Sacred Mountain and Medicine Rock, where Indians retire for spiritual healing.

At Kaibab, Pikyavit works to revive Palute customs. He says that old Palute songs that he has never heard come to him mysteriously when he gathers wood to heat the rocks. Inside the sweat lodge, he can feel Indian spirits, he says.

Pikyavit, 41, a Vietnam veteran, worries about more than environmental threats from Waste-Tech's incinerator and landfill. "It would destroy spirituality," he said. "People would be worshipping money instead."

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## L E T T E R S

## Anti-Abortionists Ignore Ironies

Dear Editor:

Surely the great debate by the anti-abortionists can only be attributed to rhetorical better-than-thousness. Surely these people who claim the ultimate sacredness of life miss the irony of their views when they ignore the countless numbers already living in misery, despair, hunger and political and economic oppression. If they find life so sacred that millions more should be born every year, how sacred do you suppose a world of wall-to-wall people would be?

Not enough food, not enough air, no space, constant fighting over basic essentials, radical leaders who would enjoy assuming power over such helpless, uneducated masses for their own power junkie trips.

Would we have government run children's camps or just make slaves out of all the useful orphans?

While abortion could surely cause extreme emotional conflict in any sensitive person, imagine the alternative conflicts of overpopulation. (Not to mention the fact that if abortions were actually illegal, probably only the most ignorant would continue to propagate continually. Does this bode well for the future of the race or would that somehow justify genetic tampering and required breeding or sterilization for various women?)

Teaching the young love and responsibility is the only ultimate solution. (And please don't expect the schools to do it. They can't even teach reading or math.)

Mary Werthman

## Male Pregnancy Is Possible

Dear Editor:

I just wanted you to know male pregnancy is possible. There are several books about reproductive technology which mention male pregnancy. The discovery occurred when several medical cases showed women who had pregnancies outside the womb. The embryo somehow managed to get out of the womb and impregnate itself on the fat between the intestine and liver. I believe all the unborn babies died. One was born live but later died. Doctors say that an early and accurate diagnosis would have saved these babies and allowed the women to carry the babies to term. I think several women died from these pregnancies and only after death did the doctors discover the women were pregnant with exception of the woman who managed to give birth to her child which was only possible because a doctor managed to diagnose the problem but it was too late for the child. He had heard of these pregnancies before and had made a lucky guess on the diagnosis.

There is real reason to believe that an embryo could be implanted on the fat cells between the liver and the intestine and that the man could carry the child for seven months

and give premature birth to the child through c-section. One problem though, would we end up with ovum banks and gay men wanting to get pregnant on their own? You know lesbians are already doing this with a turkey baster in San Francisco, don't you?

Besides, there are terrible side effects like stretch marks and having to run to the bathroom every 10 minutes and one's sex life really goes down the tube because the woman doesn't want to have anything to do with an overbloated man.

To be a bit more serious, though, this is why there is talk of developing a pregnancy machine. Such machine would allow us to cure many birth defects especially with the help of genetic engineering. Also it would create pregnancy liberation and then everyone could have their tubes tied.

Andrew Sullivan

## A Reject From the Public Pulse

Dear Editor:

I wrote to you last concerning the Herald's "Public Pulse." I appreciate the nice article you did on this problem. Enclosed is another letter that was not printed. (To follow up, the Herald finally did respond to my complaint with a note from Frank Partsch.)

The note was more interesting for what it left out than what it answered. It conveniently ignored my question as to why the article by Ernie Chambers on the possibility of a Franklin coverup was not printed. It claimed that there was no indication cost of electrical installations in the ConAgra fiasco would result in rate raises even though that was reported by local TV news. There was no response to the question raised about the number of Franklin letters received versus those printed, either. There certainly was no response to the comment I made about the Herald taking editorial leadership to demand that the statute of limitations on the Franklin child abuse cases be extended.

Lastly, the letter strongly indicated that the Herald uses the excuse provided by my strongly-expressed desires not to have letters mutilated beyond meaning to not print them. It still seems to me that letters that are short should be printed without the selective editing that sometimes totally changes the meaning and impact of what is written. Note the request on the last letter, by the way. Is it too much to ask that they "keep the essence" of the letter? Well, yes!!! If they don't like the content or it hits home too much.

On the latest letter: The Herald could not afford to print it since the editorial is so obviously anti-education. The Herald wants to preserve its own self-image as a champion of education. Its idea of pro-educational activity is based upon sponsorship of the spelling bees and the dinky scholarships it offers to local graduates. The pulse is filled with letters thanking the Herald for the scholarships. The criticism of their editorial could not be printed for it shows their true colors.

There is a parallel situation in the Herald's coverage of police community relations. The Herald consistently pro-police or pro-power positions until the time comes for the police to ask for significant raises or fringe benefits. Then the "support" melts away...

Stephen P. Horn

3/3/90

Your latest editorial continues your traditional lack of support of teachers in any matter that concerns money.

You state that the latest raise averaging 3.4 percent somehow puts to rest the "image of the underpaid teacher" at least as far as OPS teachers are concerned. Maybe this is an honest mistake or maybe you really don't understand. Let's see. What was the inflation rate last year? Surely it was not over 3.4 percent. Get real!!! Teachers have settled for negative pay raises repeatedly over the last 15 years. With taxes, the buying power of even the OPS teachers will once again go down. do you care? Does anyone? What kind of people will be attracted to a "profession" that year by year settles for negative pay raises while taking the rap for every one of society's ills?

Lastly your editorial states that the "best teachers ... are seldom overpaid." Could you enlighten us? Which best teachers are overpaid? Is that not just another example of your prejudice?

Stephen P. Horn

P.S. If you cannot keep the essence of this letter do not print it. I think all of you ought to examine your conscience though. I can tell you without a doubt that education is far, far along the road to total breakdown. The problems are many and very complex. Essential to any significant improvement is a decent salary that will draw strong talent to education. Regardless of whatever you all want to believe that is the opposite of what is currently happening. Editorials like you tend to print are a part of the problem. More homework, longer days, better discipline, and other simple solutions can have little meaning as long as one of the most basic problems remain. Think about it!!!

## Ignoring Sex Abuse

Dear Editor:

I want someone to answer me these questions. A rap group in Florida is banned because of bad lyrics on their tapes, yet porno videos and magazines are rented and sold every day. And also here in Omaha people get away with sexual abuse on teenage kids!

I am 14 going on 15 and you might think I don't care, well, you're wrong. And people involved with the abuse think they're innocent. Well, if they are reading this right now, answer me this: "HOW CAN YOU LIVE WITH YOURSELVES?" What I'm trying to say is money can't buy everything... can it?

Clint Starks

## Cyclists Will Ride to Promote Recycling

Dear Editor:

My name is Matt Rossell and I am a senior at Kearney State College. Being a "backyard environmentalist" most of my life and recently becoming a member of a Nebraska-based group, Ecology Now, I am interested in the protection of our planet. Because I am also a bicycling enthusiast, I have decided to use the summer of '91 to pursue both interests directly. I have decided to call this effort Re-Cycle Across America. I am writing to you, first, to briefly explain my idea about Re-Cycle Across America and also to draw upon your knowledge and support to make my idea a reality. Re-Cycle Across America; the name almost explains itself. It will be a bicycle tour from coast to coast next summer, covering the entire country. The purpose is simple: to teach America about recycling. In our "throw-away society" recycling is probably the best single effort Americans can make to protect our planet. Re-Cycle Across America will give the citizens of this country a visible symbol of the importance of recycling our scarce resources.

How is Re-Cycle Across America going to reach this goal? It will teach about recycling

in several ways. first, the television stations and newspapers will cover stories about the bicycle tour's progress and offer supporting stories about methods of recycling and locations of local collection sights. Also, RCAA Cyclists will inform city officials about how to adopt community-wide recycling programs by setting up appointments with city officials along the planned route. finally, Re-Cycle Across America will teach through word of mouth as cyclists speak with local residents as we ride from town to town.

Saving the world is not something that can be done single-handedly and neither is Re-Cycle Across America. It will take the active participation of several cyclists and many more "behind the scenes" volunteers to successfully accomplish. What I request from you is a response. Any suggestions, information, questions, criticisms or comments will help me greatly. Please indicate if you are interested in participating, either actively riding, or in some other capacity. Finally, please pass this letter on to someone who will help me Re-Cycle Across America.

Matt Rossell

Continued on next page



## a r e a e v e n t s

## EVENTS

**Aug. 1-6**

Santa Lucia Festival in the north parking area of Rosenblatt Stadium, I-80 and 13th Street.

**Aug. 3&4**

Rockbrook Village Food Festival, Rockbrook Village, 108th and Center Street. Fri 10 a.m.-8 p.m., Sat 10 a.m.-5 p.m.

**Aug. 4&5**

Waterloo Days at Waterloo, Neb. Parade, craft show, variety show, dance, beer garden and other activities. Sat 9 p.m.-midnight, Sun 9 a.m. - 3 p.m.

**Aug. 8-12**

Sarpy County Fair held at Springfield, Neb. Fairgrounds featuring exhibits, 4-H competition, food and entertainment. Free admission.

**Aug. 8-12**

Douglas County Fair held at Ak-Sar-Ben, 63rd & Center, features entertainment, 4-H competition, food and entertainment. Stage shows, beginning at 8 p.m. include: Aug 8, Chicago; Aug. 9, Nitty Gritty Dirt Band; Aug. 10, Barbara Mandrell; Aug. 11, Michael Damian; Aug. 12, The Statler Brothers.

**Aug. 11 & 12**

1990 Offutt Air Force Base Open House features aerial demonstrations, "crawl throughs" of selected aircraft, and other displays. The Thunderbirds will perform on Aug. 12 only. The Warbirds, a group of World War II vintage planes will perform both days. Admission is free, hours are 10 a.m.-5 p.m. both days.

**Aug. 12**

Victorian Garden Walk at the General Crook House and Museum, 30th and Fort, with displays and refreshments, noon to 4 p.m.

**Aug. 18 & 19**

Cat Fanciers Midlands Cat Show features several hundred cats in competition at the Civic Auditorium, 18th & Burt. Hours are Saturday 11 a.m.-4:30 p.m. and Sunday 10 a.m.-3 p.m. Adult admission is \$3.25; children \$2.25.

**Aug. 18 & 19**

Nebraska Flea Market & Collectors Show at the Civic Auditorium, 18th & Capitol from 9 a.m.- 5 p.m. on Saturday and 10 a.m.- 5 p.m. on Sunday. Free admission.

**Aug. 24, 25**

Global Issues and Local Actions. United Nations Association of

Nebraska presents a two day forum.

Lincoln Unitarian Church, 6300 "A" St. For further information,

contact Marj Manglitz, 464-3607, or 477-4733.

**Aug. 30 - Sept. 3**

Septemberfest, a community festival in celebration of labor, includes a midway, entertainment, beer garden, food garden and labor displays. Held at the Civic Auditorium at 18th & Capitol from 4 p.m.-1 A.M. Thur and Fri; noon-1 a.m. on Sat, Sun and Mon. Admission in \$2.

**Aug. 31 - Sept. 2**

LaFesta Italiana features Italian music, dance and food at Peony Park, 81st & Cass, on Friday 6 p.m.- midnight; Saturday noon-midnight and Sunday noon-10 p.m. Adult admission is \$4.25 a the door, children under 12 are free.

## FILM

Sheldon Film Theater presents films at the Sheldon Memorial Art Gallery on the University of Nebraska campus, 12th & R in Lincoln. General admission: \$4.50; senior citizens, children and students: \$3. Call 472-5353 for information. Aug. 2-5 "Summertime Nebraska Film Festival" featuring the films of Max Fleischer and Peter Wang. In-person appearances by Mae Questel, the voice of Betty Boop, and by filmmaker Peter Wang. Call 472-5353 for information. The schedule:

**Friday, Aug. 3**

(At the Old City Hall, 920 "O" Street)  
4-5 p.m. Early Works (1917-1931)  
5:10-6:10 Betty Boop, Part I (1932-33)  
6:20-7:20 Betty Boop, Part II (1934-39)  
7:30-8:30 Popeye, Part I (1933-38)  
8:40-9:40 The Fleischer Folio (1930-1942)

**Saturday, Aug. 4**

Noon-1 p.m. Popeye, Part II (1933-1942)  
1:10-2:10 The Fleischer Folio (1930-1942)  
2:20-3:20 Betty Boop, Part I (1932-1933)  
3:30-4:30 Betty Boop, Part II (1934-39)  
4:40-5:40 Popeye, Part I (1933-1942)  
5:50-6:50 Popeye, Part II (1933-1942)  
7-8 Early Works (1917-1931)  
8:10-9:10 The Fleischer Folio (1930-1942)

**Sunday, Aug. 5**

Noon-1 p.m. Early Works (1917-1931)  
1:10-2:10 Betty Boop, Part I (1932-1933)  
2:20-3:20 Betty Boop, Part II (1934-1939)  
3:20-4:30 Mae Questel in Person  
4:30-5:30 Popeye, Part I (1933-1938)

**Thursday, Aug. 2**

At the Sheldon Film Theater, 12th & "R" Streets

7 p.m.: "The Laserman," (Peter Wang, 1988, 93 mins.) with a Betty Boop cartoon.

9 p.m. "A Great Wall," (Peter Wang,

1986, 100 mins.) with a Betty Boop Cartoon.

**Friday, Aug. 3**

7:30 p.m. "The Laserman," with Peter Wang in person.

**Saturday, Aug. 4**

1 p.m. "The Laserman" 2:45 "A Great Wall," with Peter Wang in person.

7:30 p.m.: "The Betty Boop Scandals" with Mae Questel, in person, followed by a reception in the Great Hall.

**Sunday, Aug. 5**

3 p.m. "A Great Wall"

5 p.m. "The Laserman"

7 p.m. "The Betty Boop Scandals"

9 p.m. "The Laserman"

**Aug. 9-12 & 16-19**

"The Plot Against Harry," a 1969 U.S. film by Michael Roemer screens at 7 & 9 p.m. Matinees Sat at 1 & 3 p.m.; Sun at 3 & 5 p.m.

**Aug. 23-26 & Aug. 30-Sept. 2**

"Sante Sangre," a 1989 Mexican film by Alejandro Jodorowsky screens at 7 & 9:15 p.m.; Matinees Sat at 12:45 & 3 p.m.; Sun at 2:30 & 4:45.

## MUSIC

Jazz on the Green is a series of free outdoor concerts held at Joslyn Art Museum's Sculpture Garden beginning at 7 p.m. For additional information call 342-3300.

Concert dates and artists are:

August 2: Irie

August 9: Matt Wallace

Sounds of Spring are free noon concerts at the City/County Building, 18th and Harney, sponsored by the Omaha Parks & Recreation Department and the Omaha World-Herald in cooperation with the Omaha Musicians Association Local 70-558.

Scheduled groups for July and August are:

Aug. 2: 'Bout Time, Latin/jazz.

Aug. 7: Peter Marsh Quintet, jazz.

Aug. 9: Nuncio Pomodoro, Dixieland.

Aug. 14: Greg Ahl, down home jazz.

Aug. 16: Matt Wallace, contemporary jazz.

Aug. 21: Robert Glaser & Urban Delight.

Aug. 23: Jimmy Skomal Combo.

Aug. 28: Len Eby Combo.

Aug. 30: SAC Looking Glass Combo.

Music in the Parks concerts are held on the east end of Central Park Mall beginning at 6 p.m. Concerts are co-sponsored by the Omaha City Parks & Recreation Department in cooperation with the Omaha Musicians Association Local 70-558. Concerts for July and August are:

Aug. 5: Tuffy Epstein and Tribute to Supersax.

Aug. 12: Chris Stovall Combo and Matt Wallace Jazz Unit.

Aug. 19: Omaha Parks Pops Orchestra and a tribute to Mal Dunn.

Aug. 26: Irie and Freddie's All Stars.

Summer Concerts at Rockbrook Village, 108th and Center Streets are free, and start at 7:30 p.m. Concert dates and groups are: Aug. 3: Midlands String Quartet.

Aug. 10: Bill Wakefield & Random.

Aug. 17: Midlands Brass Quintet.

Aug. 24: Peter Marsh Jazz Quintet.

Aug. 31: Irie, Caribbean Jazz.

Ralston Park Concerts are held at 6 p.m. at Ralston Park, Park Drive & 84th Street. July and Aug. dates and groups are:

Aug. 5: Irie, Caribbean Jazz.

Aug. 26: SAC Looking Glass Combo.

## DANCE

**Fridays 7:30**

Lincoln Folk Dancers; west side of Sheldon Memorial Art Gallery or Women's Athletic Center. Call Karen Roost at 477-7640

**Sundays 6-9**

Omaha International Folk Dancers, Grace Lutheran Church, 1316 S. 26 St. Newcomers welcome; new dances taught between 6 and 7:30.

## SPORTS

The Omaha Royals play professional AAA baseball at Rosenblatt Stadium, I-80 and 13th Street. For ticket information call 444-4750 or 734-2550. Home games for August are:

Aug. 1-3: vs. Louisville Redbirds 7:05 p.m.

Aug. 4-6: vs. Nashville Sounds at 6:05 p.m. Sat; 2:05 p.m. Sun; 7:05 p.m. Mon.

Aug. 15-17: vs. Scranton/Wilkes Barre Red Barons at 7:05 p.m.

Aug. 18-20: vs. Denver Zephyrs at 6:05 p.m. Sat; 2:05 p.m. Sun; 7:05 p.m. Mon.

Aug. 30 & 31: vs. Oklahoma City 89ers at 7:05 p.m.

## THEATER

**Through Sept. 1**

"Murder a la Carte" at the Upstairs Dinner Theater, 221 So. 19th Street. Call 344-7777 for reservations. Thur-Sat 6 p.m. Matinees Sunday and Wednesday at noon. Price for show and buffet, depending on day, \$14.95-\$22.95.

**Through Aug. 5**

"Driving Miss Daisy" at the Firehouse Dinner & Theatre, 11th and Jackson Street. For reservations or information call 346-8833. Tue-Sat dinner at 6 p.m., show at 7:30 p.m. Sunday dinner at 5 p.m., show at 6:30 p.m. Sunday matinee dinner at noon, show at 1:30 p.m. Wednesday matinee

Continued on page 15

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**Adam Whitney Gallery**

8725 Shamrock Road, Omaha  
393-1051  
Hours: 10-5 Monday through Saturday

**Antiquarium Gallery**

1215 Harney Street, Omaha  
341-8077

**Artists' Cooperative Gallery**

405 So. 11th Street, Omaha  
342-9617  
Hours: Wed.-Thurs. 11-5; Fri. & Sat. 11-10; Sunday noon-5.  
Aug. 5: Opening reception 10 a.m.-1 p.m.  
August: Madalyn Bruning, Pamela A. King and Bill Steavenson.

**Bellevue College Gallery**

Galvin Road at Harvell Drive, Bellevue  
293-3732  
Hours: 8-9:30 M-F; 9-5 Sat.; 1-5 Sun.

**Bemis New Gallery**

614 So. 11th, Omaha  
341-7130  
Hours: 11-5 daily.  
Through Aug. 26: Kozo Miyoshi "Conservatory," and Misha Gordin, "Crowd."

**Burkholder Project**

719 P Street, Lincoln  
477-3305  
Hours: 10-5 Monday through Saturday  
Rosemary Zumpfe

**Cathedral Arts Project**

St. Cecilia's Cathedral  
701 No. 40th Street 558-3100  
Hours 1-3:30 p.m. Thursday-Sunday and by appointment.

**Creighton Fine Arts Gallery**

Creighton University, 27th and California,  
Omaha, 280-2509  
Hours: 10 a.m. to 4 p.m. Monday-Saturday;  
noon-4 Sunday.

**Gallery 72**

2709 Leavenworth, Omaha  
345-3347  
August 10: 7:30-10 p.m. opening for Fred Baehr.  
Through Aug. 29: Prints by Fred Baehr of Morgantown, W. Va..

**Garden of the Zodiac**

Old Market Passageway, 1042 Howard,  
Omaha. 341-1877

**Haydon Gallery**

8th and R, Hardy Building, Lincoln  
475-5421  
Hours: Mon-Sat 10-5.  
Through Aug. 6: "Prairie Summer," mixed media by 18 artists including Ernest Ochsner.

**Haymarket Art Gallery**

119 So. 9th Street, Lincoln  
475-1061  
Hours: 10-4:30 Tues.-Sat.; 1-4 Sunday.  
Mondays by appointment.  
Sept. 9-30: Jim Ray and Ed Fennel, paintings and blown glass.

**Hillmer Art Gallery**

College of St. Mary, 1901 So. 72nd  
Street, Omaha 399-2621  
Hours: 1-5 daily except Friday.

**Iowa Western Community College Fine Arts Gallery**

2700 College Road, Council Bluffs  
325-3352  
Hours: 8 a.m. - 10 p.m. Mon.-Fri.  
Through Aug. 17: IWCC Student Works, mixed media.

**Jewish Community Center**

333 So. 132nd St., Omaha  
334-8200  
Hours: 8 a.m.-10 p.m. M-Th.; 8-5 Fri.; 1-7 Sat.; 1-7 Sun.

**Joslyn Art Museum**

2200 Dodge, Omaha  
342-3300  
Hours: 10-5 Tues., Wed., Fri. & Sat.; 10-9 Thurs.; 1-5 Sunday.  
Admission: \$2 for adults, \$1 under 12.  
Free Saturday before noon and to members.  
Through Aug. 26: "Portraits and Prospects: British and Irish Drawings and Watercolors

from the Collection of the Ulster Museum, Belfast."

**Local Artists Exchange**

Standard Blue, 1415 Harney, Omaha

**Metro Arts Artspace**

601 So. 16th Street  
341-7910  
Hours: Mon-Fri 9-4 or by appointment.  
Aug. 20-Sept. 30: "Don Doll Photographs"

**Museum of Nebraska Art**

24th and Central Ave., Kearney  
(308) 234-8559  
Hours: 1-5 Tuesday through Saturday

**Passageway Gallery**

417 So. 11th, Omaha  
341-1910  
Hours: 11-5 M-W; 11-9 Thurs.; 11-10 Fri. & Sat.; 12-5 Sun.

**Photographer's Gallery, Inc.**

4831 Dodge Street, Omaha  
551-5731  
Hours: 10 a.m. - 2 p.m. Mon.-Fri.; 1-5 Sun.;  
Closed Sat.; or by appointment anytime.

**Sheldon Memorial Art Gallery**

12th and R Streets, UNL Campus, Lincoln  
472-2461  
Hours: Tues. & Wed. 10-5; Sun. 2-9;  
Thurs.-Sat. 10-5 and 7-9; closed Mon.  
Through Aug. 12:  
"Gordon Cook: Twenty Etchings."  
Through Sept. 9:  
"John Martin: Watercolors."

**13th Street Gallery**

1264 So. 13th Street, Omaha  
Mixed media

**University of Nebraska at Omaha Gallery**

62nd and Dodge Streets, Omaha  
554-2686  
Hours: 8-5 Monday-Friday  
Art Institute of Chicago  
Michigan at Adams Chicago, Ill.  
(312) 443-3600  
Hours: 10:30-4:30 Mon., Wed.-Fri.; 10:30-8 Tues.; 10-5 Sat.; noon-5 Sun.  
Suggested Admission: \$5; seniors, students, \$2.50.

Continuing: Ellsworth Kelly. Six paintings conceived especially for the museum's Sculpture Court.  
Through August 12: "Monet in the '90s: The Series Paintings." Advance tickets available through TicketMaster outlets.  
Charge by phone (312) 559-0200.  
Through Oct. 28: "Lenore Tawney Retrospective."  
Sept. 1 - Nov. 11: "Ed Paschke: A Retrospective."

Sept. 8 - Nov. 25: "Poussin to Matisse."

Sept. 15 - Dec. 2: "The New Vision: Photography Between the World Wars, Ford Motor Company Collection at The Metropolitan Museum of Art."

**Des Moines Art Center**

4700 Grand Ave., Des Moines, Iowa  
(515) 277-4405  
Hours: 11-5 T, W, F, Sat.; 11-9 Thurs.;  
noon-5 Sun.; closed Mon.

**Museum of Contemporary Art**

237 E. Ontario  
Chicago, Ill. (312) 280-5161  
Hours: 10-5 Tues.-Sat.; noon-5 Sunday

**Museum of Contemporary Photography**

Columbia College, 600 So. Michigan Ave.,  
Chicago, Ill. (312) 663-5554

**The Nelson-Atkins Museum of Art**

4525 Oak Street, Kansas City, Mo.  
(816) 561-4000  
Hours: 10-5 Tues.-Sat.; 1-5 Sunday.  
Admission: \$3 adults; \$1 students.  
Permanent collection free on Sat.  
Through Sept. 2: "Japonisme Comes to America, 1876-1925"; "George N. Barnard: Photographer of Sherman's Campaign," and "Drawings by Francesco and Giovanni Carlo Bibiena."

**Peace Museum**

430 W. Erie, Chicago, IL (312) 440-1860  
Hours: noon to 5 daily; noon to 8 Thursday  
Current: "Everyone Has the Right to..."  
Art interpreting the Universal Declaration of Human Rights.  
Permanent Exhibits: "The Unforgettable Fire," drawings by survivors of atomic bombings; "The Ribbon," textile art on the themes of life and hope.

**Sioux City Art Center**

513 Nebraska Street, Sioux City, Iowa

**Terra Museum of American Art**

666 North Michigan Ave., Chicago, IL  
(312) 664-3939  
Hours: Tues. noon to 8; Wed. - Sat. 10-5;  
Sunday noon to 5

**Walker Gallery**

Vineland Place, Minneapolis, Minn.  
(612) 375-7622,  
(612) 375-7636 (Recording) Permanent:  
Cowles Conservatory: Horticultural installation and "Standing Glass Fish" by Gehry.

**Area Events**

*continued from page 15*

dinner at 11 a.m., show at 12:30 p.m.  
Admission is \$12-\$18 for the show only,  
\$20-\$24.50 with dinner and show.

**Aug. 7-Oct 14**

"Pump Boys & Dinettes" at the Firehouse  
Dinner & Theatre, 11th & Jackson Street.  
Call 346-8833 for reservations. Tue-Sat  
dinner at 6 p.m., show at 7:30 p.m. Sunday  
dinner at 5 p.m., show at 6:30 p.m. Sunday  
matinee dinner at noon, show at 1:30 p.m.  
Wednesday matinee dinner at 11 a.m., show  
at 12:30 p.m. Admission is \$12-\$18 for the  
show only, \$20-\$24.50 with dinner and  
show.

**Through Aug. 18**

"Phil & the Gang Say Bon Voyage to the  
Carlyle Hotel," a Doug Marr play per-  
formed by the Circle Theater at Vidlak  
Family Cafe, 6064 Maple. Shows Mon, Fri  
and Sat at 8 p.m. preceded by dinner at 7  
p.m. Dinner and show \$12, show only \$7.  
Call 553-4715 for reservations.

# Motorcycle Lover Should Pick Up Fork In Road

Dear Lulu:



Dear Lulu: I'm afraid I'm in a terrible state, and I don't mean Oklahoma. I just got my Publisher's Clearing House debris and spent three hours cutting, pasting and dissecting. I can't find my free flag sticker, I've picked the wrong color for my free Jaguar, and I think I've missed the deadline for an extra \$50,000. It also appears I've signed up for 58 magazines, including "Soap Opera Quarterly." My husband is non compos mentis and will come unglued when he finds out.

What should I do?

-- Love, Frantic from Fremont.

Dear Frantic: Tell your husband: 1)you're pregnant; 2)your mother's coming for the season; 3)you've joined one of those faiths requiring you to spend your waking hours selling flowers at the airport; and 4)you ordered him "Guns for Men Digest." When he finds out the first three aren't true, he'll be thrilled about the 58 magazines coming. P.S.: Keep a light on that flag at night. Love, Lulu.

Dear Lulu: My son is very upset with me and I need your opinion. When we go to the grocery store I let him ride in the cart, even though he's a little bit old, being in junior high and all, and I let him reach out and put things in the cart he might want -- candies, sweets and cereals are his favorites. But now he wants the new Limited Edition Rice Krispies with the 3-D picture on the front. My husband, Harold, is in favor of it because he thinks it will go up in value. What do you think?

-- Love, Permissive in Pender.

Dear Permissive: I think you need to dump this fat kid out of that cart, tell both him and

Harold to take a hike and consider some of the bigger questions in life, like "Where do jokes go when they're not being told?" or "Why is Orville Redenbacher's grandson even nerdier than his grandfather?" Love, Lulu.

Dear Lulu: My husband lives for bedtime. It's unbelievable, but he's always ready for romance. Anytime, anyplace. It's disgusting. I work real hard breaking buttons off shirts at a laundry in town, and when I get home, I'm tired. Now with his disgusting desires, I'm sick and tired. I don't get paid the minimum wage to support a Don John. And we're not kids. I remember when joint meant your elbow. To make things worse, the last time he took a bath Lawrence Welk had his own hair. He assaults me everywhere. Excuse me, but I've got to go. What should I do?

-- Love, Married to a Maniac in McCook.

Dear Married: Scrub him up and send him over to my place. Love, Lulu.

Dear Lulu: What's all this fuss about freeing Winnie Winkle's husband from a prison in South America? I didn't even think she was in the funny papers any more. And what about poor Li'l Abner or Mary Worth or all those

other wonderful ones I loved? Why don't we free all those folks?

-- Love, Confused in Central City.

Dear Confused: I think you're a little mixed up. The talk is about freeing Winnie Mandela's husband, Nelson, who has been imprisoned for many years by the white South African government. We're talking about the struggle to free the majority of a country's people, and I don't mean Dogpatch. You really should get out more. Love, Lulu.

Dear Lulu: My problem is that motorcycles are talking to me. They go by my house, revving up and down, asking me to come out and join them. Their throaty voices even called out to me at the post office the other day. I once dated a bicycle and I've always admired unicycles, but could I love a motorcycle? They're so big and noisy and greasy. Just like my second husband. What should I do?

-- Love, Bewildered from Butte.

Dear Bewildered: Answer the call. As Robert Frost once said, "I came to a fork in the road so I picked it up and jumped on my motorcycle and got the heck out of there," or something like that. Good luck. Love, Lulu.

## Asthmatic State Capitol Worker Seeks Relief From Smoke

of involuntary tobacco smoke and its specific impact on her health. She said, "My medication has quadrupled, I have been on cortisone for a week and I must use an inhaler now." On June 28, her appeal was heard before Paul Le Clair, James Monen and Michael Cavel, judges who work within Presiding Judge Novicoff's administrative authority. According to Chadwell, "I could have gotten an attorney to represent me at the grievance procedure but it doesn't say that in the rules." Mark E. Welsch, President of GASP of Nebraska — the Group to Alleviate Smoking Pollution — acted as her advocate. He noted, "There's certainly a conflict of interest here ... what are the chances that Judge Novicoff's underlings are going to undermine his decision?"

In addressing Chadwell's situation, Welsch cited section 71-5702 of the Nebraska Clean Indoor Air Act: "The purpose of the law is to protect the public health, comfort and environment by prohibiting smoking in public places and at public meetings except in designated smoking areas." He quoted Section 71-5707, "With respect to factories, warehouses and similar places of work not usually frequented by the general public, the Department of Health shall, in consultation with the Department of Labor, establish rules to restrict or prohibit smoking in those places of work where the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health and comfort of nonsmoking employees."

Welsch said, "These departments met 10 years ago and established several rules, one of which includes the provision, and I'm quoting from Section 004.01, 'No person shall

smoke in an enclosed, indoor area serving as a place of work where the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health of nonsmoking employees unless such area is otherwise exempt or a waiver by the Department of Health is in effect.'"

In assessing the Court's present definition of designated smoking areas, Welsch cited the Nebraska Clean Indoor Air Act again. "Section 004.02, states that they 'shall be so located as to obtain the maximum effect of existing physical barriers ... to minimize the toxic effect of smoke in adjacent nonsmoking areas.' They're not doing that ... because in this case, existing physical barriers are called 'doors' and you shut them to maximize their effectiveness as barriers. But the smokers persist in leaving them open when they smoke."

Welsch responded to statements made during Chadwell's appeal hearing: "Their counsel Glenn Morton said that the Compensation Court realizes and accepts the fact that Cheryl is being harmed by the cigarette smoke in the office but they also say that it is not an unsafe work area. If someone is being harmed, how can it be safe?"

He concluded, "What they seem to forget is that breathing is a necessity for life and smoking is not. By simple tenets of our law, everybody who smokes around Cheryl is breaking our law. If the Health Department chooses to or if any other attorney would choose to, we could file a lawsuit seeking an injunction against the smokers, forcing them to not smoke where that smoke drifts over into Cheryl's work area."

In a decision dated July 16, Chadwell's grievance was once again denied, with the

response that "We find that the steps taken by the Court to date in the implementation of its rules are in compliance with the rules adopted by the Nebraska Department of Health." They went on to suggest that a change in the Court's Personnel Rules and Regulations be considered at its August 22 public meeting, restricting smoking on the 12th and 13th floors to "private, enclosed offices."

Agency Legal Counsel Glenn Morton, contacted for this article, said "Our basic position is that the legislature has determined requirements for employers with regard to smoking and we are in compliance, if not going beyond. We have done all that we have to do." He identified the problem as resting with Chadwell, who is sensitive to smoke. When asked to cite particulars of the Court's compliance, Morton responded, "I'm not going to get into any specifics or details. We are in compliance with the Clean Indoor Air Act."

Supervisor Thompson said, "We have gone through our proper procedures. That's as much as we can do."

Chadwell said, "We have a federal grant with which the court conducts the OSHA (Occupational Safety and Health Administration) survey and the OSHA Act of 1970 was implemented to require employers to provide a safe workplace for employees and now Workers' Compensation says that they don't have to. I find that real ironic."

Where do things stand now? Having exhausted all internal avenues to have her grievance heard, Chadwell can now contact the Nebraska Department of Health. Public Information Officer Marla Augustine said, "We've made attempts to achieve voluntary compliance and if that compliance hasn't

been achieved, the next step is for Ms. Chadwell to request action from us to compel compliance with the Nebraska Clean Indoor Air Act. The Health Department would investigate the complaint and if found that there were substance to it, it would be referred to our legal office and then to the Attorney General's office for action."

Philippi agreed with Augustine's remarks, noting in other cases of smoking exposure grievances, voluntary compliance had been achieved. He said a recommendation has been sent to the director of the Department of Health to recommend to the Governor's State Board Commission that smoking be banned in the workplaces of all state offices.

In a letter to Mark Welsch in early July, Gregg F. Wright, M.D., Director of Health of the Department of Health, wrote, "The Department of Health is authorized by the Clean Indoor Air Act to take legal action to enjoin violations, and we are prepared to request the services of the Attorney General to compel compliance when that action is warranted. We do expect, however, that voluntary compliance by the Workers' Compensation Court will occur." The July 3, 1990 letter was written 13 days before the appeal panel's decision was handed down against Cheryl. Dr. Wright's letter to the GASP organization arrived in an envelope which on its reverse side reads, "Over 2,000 Nebraskans will die this year as a result of smoking-related diseases ... the time to quit is now." It will be interesting to see what actions this same Department of Health will take on behalf of someone with documented lung disease exacerbated by involuntary cigarette smoke exposure at her place of employment — in a state office.